



41 08-18-03

1636

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 93,354-SS)

In the Application of:

Roninson et al.

Serial No.: 10/010,167

Filing Date: 12/10/2001

**For: Genes and Genetic Elements Associated
With Sensitivity to Chemotherapeutic
Drugs**

Examiner: James Ketter

Group Art Unit: 1636

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TRANSMITTAL LETTER

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Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

- In regard to the above identified application,
1. We are transmitting herewith the attached:
 - a) Information Disclosure Statement;
 - b) PTO Form 1449; and cited references
 - c) Return postcard
 2. With respect to fees:
 - a) No fees are required
 - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
 3. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage Express Mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450 on August 14, 2003.

Respectfully submitted,

Date: August 14, 2003

Kevin E. Noonan, Ph.D.
Registration No. 35,303



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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

Applicants do not believe any fee is due with this submission. If this belief be in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. Section 1.97 is applicable, the undersigned representative by his signature hereby authorizes any such fee to be debited from Deposit Account 13-2490.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Date: August 14, 2003

Kevin E. Noonan
Reg. No. 35,303

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 13

Complete if Known

Application No. 10/010,167

Filing Date: December 10, 2001

First Named Inventor Roninson et al.

Group Art Unit 1636

Examiner Name J. Ketter

Attorney Docket No. 93,354-SS

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. 1	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Figures Appear
		Number	Kind Code ² (if known)			
	1	5,217,889		Roninson	May 9, 2000	
	2	6,083,745		Gudkov et al.	July 4, 2000	
	3	6,197,521	B1	Gudkov et al.	March 6, 2001	
	4	6,060,244		Roninson	May 9, 2002	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. 1	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	5	WO	91/07492		Central Blood Laboratories Authority	May 30, 1991		

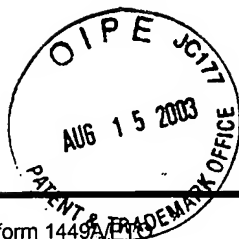
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	6	Albritton et al., "A Putative Murine Ecotropic Retrovirus Receptor Gene Encodes a Multiple Membrane-Spanning Protein and Confers Susceptibility to Virus Infection", 1989, Cell <u>57</u> :659-666.		
	7	Altshul et al., "Basic Local Alignment Search Tool", 1990, J. Mol. Biol. <u>215</u> :403-410.		
	8	Baim et al. "A Chimeric Mammalian Transactivator Based on the Lac Repressor that is regulated by Temperature and isopropyl b-D-thiogalactopyranoside", Proc Natl Acad Sci USA <u>88</u> :5072-5076 (1991).		
Examiner Signature			Date Considered	

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application No.	10/010,167
				Filing Date:	D cember 10, 2001
				First Named Inventor	Roninson et al.
				Group Art Unit	1636
				Examiner Name	J. Ketter
Sheet	2	of	13	Attorney Docket No.	93,354-SS

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	9	Baird et al., "Identification, Cloning and Characterization of the Escherich coli sohA Gene, a Suppressor of the htrA (degP) Null Phenotype", J. Bacteriol 172: 1587-1594 (1990).		
	10	Ballester et al., "The NF1 Locus Encodes a Protein Funcationally Related to Mammalian GAP and Yeast IRA Proteins", 1990, Cell 62: 851-859.		
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Examiner Signature				Date Considered

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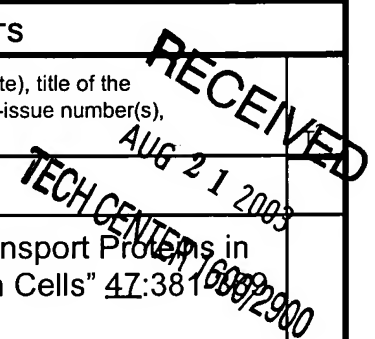
Sheet	3	of	13	Attorney Docket No.	93,354-SS
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Complete if Known

Application No.	10/010,167
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Examiner Name	J. Ketter

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

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	19	Chejanovsky et al., "MutationJ. Virol. <u>64</u> : 1764-1770 (1990).
	20	Chen et al. "Internal Duplication and Homology with Bacterial Transport Proteins in the <i>mdr1</i> (P-Glycoprotein) Gene from Multidrug-Resistant Human Cells" <u>47</u> :381-389 (1986).
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	27	Eliyahu et al., "Participation of p53 Cellular Tumour Antigen in Transformation of Normal Embryonic Cells", 1984, Nature <u>312</u> : 646-659.
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	29	Fearon et al., "Identification of a Chromosone 19q Gene That is Altered in Colorectal Cancers", 1990, Science <u>247</u> : 49-56.

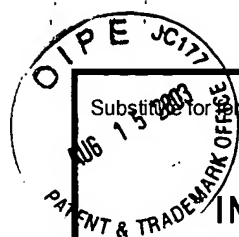


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Sheet	4	of	13	Attorney Docket No.	93,354-SS
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Applicati n No.	10/010,167
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Attorney Docket No.	93,354-SS

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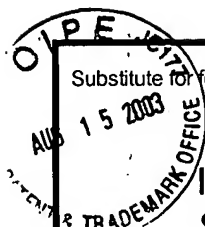
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	30	Fereira et al., "Suppression of Kinesin Expression in Cultured Hippocampal Neurons Using Antisense Oligonucleotides", J. Cell Biol 117:595-606 (1992).	
	31	Fields et al., "Presence of a Potent Transcription Activating Sequence in the p53 Protein", 1990 Science, 249:1046-1049.	
	32	Finlay et al., "Activating Mutations for Transformation by p53 Produce a Gene Product That Forms an hsc70-p53 Complex with an Altered Half-Life", 1988, Molec. Cell Biol. 8: 531-539.	
	33	Friedman et al., "Expression of a truncated viral trans-activator selectively impedes lytic infection by its cognate virus", 335:452-454 (1988).	
	34	Friend et al., "Deletions of a DNA sequence in retinoblastomas and mesenchymal tumors: Organization of the sequence and its encoded protein", 1987, Proc. Natl. Acad. Sci. USA 84:9059-9063.	
	35	Gessler et al., "Homozygous deletion in Wilms tumours of a zinc-finger gene identified by chromosome jumping", 1990, Nature 343: 774-778.	
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	37	Green et al., "Mutational Analysis of HIV-1 Tat Minimal Domain Peptides: Identificaiton of Trans-Dominant Mutants That Suppress HIV-LTR-Driven Gene Expression", Cell 58:215-223.	

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Sheet 5 of 13

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	38	Groger et al., "Directional antisense and sense cDNA cloning using Epstein-Barr virus episomal expression vectors", Gene <u>81</u> : 285-294 (1989).	
	39	Gudkov et al., "Isolation of genetic suppressor elements, inducing resistance to topoisomerase II-interactive cytotoxic drugs, from human topoisomerase II cDNA", 1993, Proc. Natl. Acad. Sci. USA <u>90</u> : 3231-3235.	
	40	Gussow et al., "The Human B ₂ -Microglobulin Gene", J. Immunol. <u>139</u> : 3132-3138 (1987).	
	41	Herskowitz, "Functional Inactivation of Genes by Dominant Negative Mutations", Nature, <u>329</u> :219-22(1987	
	42	Holzmayer et al. "Isolation of dominant negative mutants and inhibitory antisense RNA sequences by expression selection of random DNA fragments", Nucleic Acids Res <u>20</u> : 711-717 (1992).	
	43	Hunter, "Cooperation between Oncogenes", 1991, Cell <u>64</u> : 249-270.	
	44	Keown et al., "Methods for Introducing DNA into Mammalian Cells", Methods Enzymol <u>185</u> : 527-536 (1990).	

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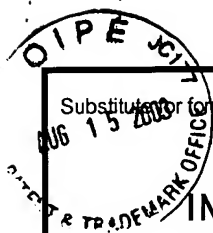
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	45	Kern et al., "Mutant p53 proteins bind DNA abnormally in vitro", 1991, Oncogene <u>6</u> : 131-136.	
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	47	Kerr et al., "Excess antisense RNA from infectious recombinant SV-40 fails to inhibit expression of a transfected, interferon-inducible gene", Eur. J. Biochem <u>175</u> :65-73 (1998).	
	48	Kidd V.J. "Dominant Negative Mutation in Galactosyltransferase Created by Over-Expression of a Truncated cDNA", et al., Chemical Abstracts 111(23).	
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	50	Kinzler et al., "Identification of a Gene Located at Chromosome 5q21 that is Mutated in Colorectal Cancers", 1987, Science <u>236</u> : 70-73.	
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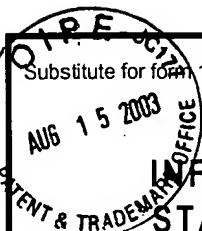
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	54	Laforgia et al., "Receptor protein-tyrosine phosphatase γ is a candidate tumor suppressor gene at human chromosome region 3p21", 1991, Proc. Natl. Acad. Sci. USA <u>88</u> : 5036-5040.	
	55	Lau and Nathans, "Expression of a set of growth-related immediate early genes in BALB/c 3T3 cells: Coordinate regulation with c-fos or c-myc", EMBO J. <u>4</u> :3145-3151 (1985).	
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	57	Lee et al., "Expression of Cloned rpoB Gene of Escherichia coli: a Genetic System for the Isolation of Dominant Negative Mutations and Overproduction of Defective B Subunit of RNA Polymerase", J. Bacteriol <u>171</u> :3002-3007 (1989).	
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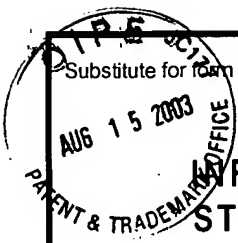
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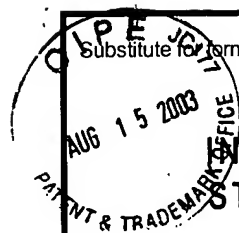
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	63	Markowitz et al., "Construction and Use of a Safe and Efficient Amphotropic Packaging Cell Line", Virology <u>167</u> : 400-406 (1988).	
	64	McConkey et al., "Glucocorticoids Activate a Suicide Process in Thymocytes through an Elevation of Cytosolic Ca ²⁺ Concentration", 1989, Arch. Biochem. Biophys. <u>269</u> :365-370.	
	65	Miller & Rosman, "Improved Retroviral Vectors for Gene Transfer and Expression", Biotechniques <u>7</u> :980-986 (1989).	
	66	Milner et al., "Tumor Suppressor p53: Analysis of Wild-Type and Mutant p53 Complexes", 1991, Molec. Cell. Biol. <u>11</u> : 12-19	
	67	Montenarh & Quasier, "Two different protein-protein interactions in oligomeric complexes of SV40 large T antigen with cellular oncoprotein p53", 1989, Oncogene <u>4</u> : 379-382.	
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Sheet	9	of	13	Attorney Docket No.	93,354-SS
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Complete if Known

Application No.	10/010,167
Filing Date:	December 10, 2001
First Named Inventor	Roninson et al.
Group Art Unit	1636
Examiner Name	J. Ketter
Attorney Docket No.	93,354-SS

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

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	72	Navone et al. "Cloning and Expression of a Human Kinesin Heavy Chain Gene: Interaction of the COOH-terminal Domain with Cytoplasmic Microtubules in Transfected CV-1 Cells", J Cell Biol <u>117</u> : 1263-1275 (1992).	
	73	Noonan et al. "Quantitative analysis of MDRI gene expression in Human tumors by polymerase chain reaction", Proc Natl Acad Sci USA <u>87</u> :7160-7164 (1990).	
	74	O'Rourke et al., "A Potential Transcriptional Activation Element in the p53 protein", 1990, Oncogene <u>5</u> :1829-1832.	
	75	Ohara et al., "One-sided polymerase chain reaction: The Amplification of cDNA", Proc. Natl. Acad. Sci. USA <u>86</u> :5673-5677 (1989).	
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	77	Patanjali et al., "Construction of a uniform-abundance (normalized) cDNA library", Proc. Natl. Acad. Sci. USA <u>88</u> :1943-1947(1991).	
	78	Patterson et al., "Suicide Selection of Mammalian Cell Mutants", Methods Enzymol <u>151</u> :121(1982).	
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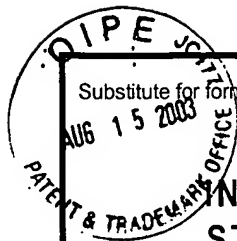
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Filing Date:	December 10, 2001
First Named Inventor	Roninson et al.
Group Art Unit	1636
Examiner Name	J. Ketter
Attorney Docket No.	93,354-SS

Sheet 10 of 13

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	81	Powell et al., "Protection against tobacco mosaic virus in transgenic plants that express tobacco mosaic virus antisense RNA", Proc. Natl. Acad. Sci, USA <u>86</u> : 6949-6952 (1989).	
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	83	Raycroft et al., "Transcriptional Activation by Wild-Type But Not Transforming Mutants of the p53 Anti-Oncogene", 1990, Science <u>249</u> : 1049-1051.	
	84	Rimsky et al., "Trans-dominant inactivation of HTLV-I and HIV-1 gene expression by mutation of the HTLV-I Rex transactivator", Nature <u>341</u> : 453-456 (1989).	
	85	Rio et al., "A Mammalian Host-Vector System That Regulates Expression and Amplification of Transfected Genes by Temperature Induction", Science <u>227</u> :23-28 (1985).	
	86	Sap et al., "The c-erb-A protein is a high-affinity receptor for thyroid hormone", 1986, Nature <u>324</u> : 635-640.	

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	87	Sap et al., "Repression of Transcription mediated at a thyroid hormone response element by the v-erb-A oncogene product", 1989, Nature, <u>340</u> :242-244.	
	88	Sarver et al., "Ribozymes as Potential Anti-HIV -1 Therapeutic Agents", Science <u>247</u> :1222-1225 (1990).	
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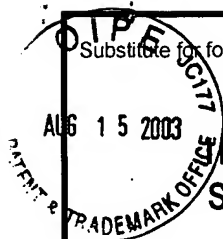
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Application No.	10/010,167
Filing Date:	D c mber 10, 2001
First Named Inventor	Roninson et al.
Group Art Unit	1636
Examiner Name	J. Ketter
Attorney Docket No.	93,354-SS

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	95	Trent et al., "Identification of a Recurring Translocation Site Involving Chromosome 6 in Human Malignant Melanoma", 1989, Cancer Res. <u>49</u> : 420-423.	
	96	Trono et al., "HIV-1 Gag Mutants Can Dominantly Interfere with the Replication of the Wild-Type Virus", Cell <u>59</u> :113-120 (1989).	
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	103	Weinberg "Tumor Suppressor Genes", 1991, Science <u>254</u> :1138-1146.	

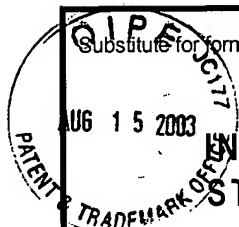
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				Group Art Unit	1636
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	105	Whitaker-Dowling et al., "Cold-Adapted Vaccine Strains of Influenza A Virus Act as Dominant Negative Mutants in Mixed Infections with Wild-Type Influenza A Virus", Virology <u>175</u> :358-364 (1990).		
	106	Wolos et al., "Selective Inhibition of T Cell Activation by an Inhibitor of S-Adenosyl-L-Homocysteine Hydrolase", 1993, J. Immunol, <u>150</u> :3264-3273.		
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